

**From:** James Miskiewicz  
**To:** Microsoft ATR  
**Date:** 1/23/02 10:55am  
**Subject:** Microsoft Settlement

Dear Sirs:

I am writing to give comment on the Microsoft Settlement as per the Tunney Act. I am a systems manager at a publishing company, and I use and recommend software on a daily basis.

I do not feel that the proposed Microsoft settlement will have a positive effect on the American economy, because the settlement leaves many areas where Microsoft can get around the restrictions. I feel that the settlement, in its current form, will actually more deeply entrench Microsoft as a monopoly that cannot be shaken, because they will know exactly how to get around the proposed restrictions. As shown with the collapse of Enron, a monopoly does not only hurt competition but can have disastrous effects on the economy as a whole.

Particularly, Microsoft needs to release information pertaining to the Application Programming Interfaces (APIs) used in all Microsoft products, including any operating system that can execute Windows-based code (this includes Microsoft Windows 95, 98, 2000, XP, CE, XP Tablet Edition, X-Box and Pocket PC) with sufficient time for competitors to re-engineer their programs to be interoperable with those Microsoft products.

Microsoft's monopolistic practices cause everyone to suffer, by hindering growth and innovation in the rapidly changing (and generally very competitive) technology industry.

The findings of fact, which confirmed Microsoft is a monopoly, need strict measures to remedy their past abuses and prevent those practices from continuing into the future.

Thank you for your time,

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